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09/870,142	05/30/2001	Steven B. Smith	13660.17	4558

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2011*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,11-15 and 32-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 11-15, 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Status of Claims

This action is in reply to the remarks and amendment for Application 09/870,142 filed on 10 February 2011.

Claims 2-10, 16-31 remain cancelled.

Claims 1, 11-15, 32-34 are currently pending and have been examined.

Response to Arguments

Applicant's arguments filed 10 February 2011 have been fully considered but they are not persuasive.

In the remarks filed, Applicant argues the following:

(1) That Dilip doesn't teach or suggest a system that automatically analyzes multiple user accounts in a proactive manner, on its own initiative, without any prompting from the user.

(2) That Dilip doesn't teach the same information recited in the claims which recite in part "to access a plurality of financial institutions and to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases.

(3) That Dilip teaches accessing financial institutions and obtaining balance information whereas the invention as claimed recites automatically using a third-party Internet connected gateway to access financial institutions to search financial account records for recent purchases.

In response to (1), the Examiner respectfully disagrees. Dilip recites:

"The system and methods described herein perform an <u>automated analysis of multiple accounts</u> to

determine whether those accounts are optimized..." (C2 L59-61) – discloses the feature of

automatically analyzing multiple financial accounts.

"The system and methods described herein may operate in a <u>proactive manner</u>, such that the various

recommendations are generated <u>without any action or request by the</u> user. The financial management

system described herein may regularly analyze a user's account and make recommendations, if

appropriate, <u>on its own initiative</u>, <u>without any prompting</u> from the user." (C4 L8-14) – discloses

automatically (without prompting from the user) analyzing financial accounts which necessarily implies

being able to access records pertaining to those accounts.

"The financial management system is able to <u>automatically access</u> the user's accounts by using the

login name and password for the account, which is provided by the user when identifying the user's

accounts to the financial management system." (C14 L47-51) – discloses automatically accessing a

user's accounts.

The above disclosures thus teach wherein the system automatically analyzes multiple user accounts in

a proactive manner, on its own initiative, without any prompting from the user. It should be pointed

out that any system, before being able to function or operate automatically on its own without any

further prompting, necessarily requires an initial action or "prompting" from a user in order to be set

up properly to perform the expected functions. As such, arguing that a claimed feature which recites

the phrase "automatically" differentiates itself from a disclosure which teaches automation of an action

with a degree of prompting action from a user is insufficient. The rejection is therefore maintained.

In response to (2), the Examiner respectfully disagrees. Dilip recties:

"Various attributes associated with an asset account and/or a debt account are discussed herein.

These <u>attributes are used to analyze various accounts</u> and make recommendations that would benefit

the account holder... Although particular examples are discussed herein with reference to interest rates, it will be appreciated that the methods and systems described herien are applicable to <u>any type of attribute</u>." (C4 L36-44) – discloses accessing a plurality of financial accounts wherein any type of attribute pertaining to the account may be accessed and analyzed which include actual transactions.

"The user of client computer 136 may access financial management system 138, for example, to have the system <u>analyze the user's financial accounts</u>." (C5 L64-66) – dislcoses accessing a plurality of financial accounts in order to obtain any type of information.

"A report generator 236 generates various types of reports, such as <u>account activity history</u>." (C8 L11-12) – discloses accessing account activity history which includes past transactions.

"Additionally, the logic rules selected for a particular user may change over time as the financial management system learns more about the <u>user's payment or spending habits</u>. For example, <u>if the user regularly makes a $1000 payment from a particular checking account</u> on the 15th of each month... For example, <u>if the user has too many expenses</u> (i.e., the current month's expenses exceed the user's typical monthly income" (C9 L6-10; C10 L17-19) – discloses accessing past transaction which include payment and/or spending ("purchase") transactions.

The above disclosures thus teach accessing a plurality of financial institutions to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases. The rejection is therefore maintained.

In response to (3), the Examiner respectfully disagrees. Dilip recites:

"A financial information provider 116 is <u>coupled between</u> network 108 and client computer 114. Network 108 may be any type of data communication network using any communication protocol."

(C4 L58-61) – discloses a separate (3rd party) entity ("financial information provider") coupled between a network and client computer.

"Each of the financial institution servers 102, 104, and 106 are typically associated with a particular financial institution and store data for that financial institution, such as customer account data. The market information service server 110 may represent one or more services that collect and report information regarding current financial market conditions." (C5 L20-25) – discloses a separate market information service server coupled between a plurality of financial institution servers and a user computer.

"Financial management system 138 is coupled to the two financial institutional servers 132 and 134 via two communication links 148 and 150, respectively. Communication links 148 and 150 allow the financial management system 138 to retrieve information from the financial institution servers 132, 134, and execute transactions on the financial institution servers on behalf of the user of the client computer 136." (C6 L1-7) – discloses a financial management system coupled to financial institutional servers to retrieve information on behalf of a client computer.

The above disclosures thus teach using a separate Internet accessible gateway to access financial institutions to search financial account records for recent purchases. The rejection is therefore maintained.

The limitations for the claim(s) as written, do not differentiate from the disclosures described above and are therefore interpreted broadly. The Office thus asserts that the argued features are sufficiently disclosed by the cited reference(s) in view of the current language of the claim recitation. The rejections are therefore maintained.

Independent claims 11, 32-34 recite similar subject matter as claim 1 and are rejected under the same basis.

With regard to each of the dependent claims, the applicant's arguments stand unpersuasive in light of the rejection of independent claims discussed above from which the dependent claims depend.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are considered moot in light of the grounds of rejection, provided below, for the current listing of claims.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 11-15 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., US 5,842,185 ("Chancey"), in view of Wood, US 7,050,997 ("Wood"), in view of Dilip et al., US 7,797,207 ("Dilip").

[Claim 1] (Previously presented) Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial

decision making across a plurality of financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instruction sets stored on a computer readable medium (C3 L25-43);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of virtual financial accounts using the processor device;

Wood, however, makes these teachings (C7 L17-22, L40-47; C8 L41-44; C5 L9-14, L43-45; C8 L63-66; Fig. 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, C4 L54-64).

Chancey doesn't further explicitly disclose:

- automatically using a third-party Internet-connected gateway to repeatedly access a plurality of financial institutions and to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases;

- aggregating the search results using the gateway and displaying the search results over the Internet to a local processor device viewable by a user to show the user the updated status of a virtual account before making a purchasing decision;

These features are expressly disclosed by Dilip, however, in a related endeavor (C1 L54-59; C2 L4-12, L51-55; C3 L14-17; C4 L4-14, L25-35, L45-54, L58-61; C5 L20-25, 31-33, L38-41, L49-52, L56-67; C6 L1-7, L24-29; C7 L41-43; C8 L4, L11-12, L26-45; C9 L6-8; C10 L51-53, L56-58, L61-67; C11 L6-9, L67; C12 L1-2; C14 L47-51, L55-58; C15 L35-46, L49-51, L57-61; C16 L19-23, L41-43). Dilip discloses as his invention a method and apparatus for analyzing financial data. The invention relates to the analysis of financial data and, more particularly, to the analysis of multiple financial accounts and other market data to determine whether the allocation of assets and/or liabilities among multiple financial accounts is optimal. Dilip further discloses a financial management system automatically analyzing multiple user accounts, both asset accounts and debt accounts, in a proactive manner, on its own initiative, without any prompting from the user, wherein a client computer is capable of interacting with the financial management system via a communication link which in turn is coupled to a plurality of financial institution servers allowing the financial management system to retrieve account information from the financial institution servers, said account information pertaining to account activity history and account balance information. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Dilip as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records for budgeting purposes.

[Claims 2–10] (Cancelled)

[Claims 11-15] Claim 11 recites limitations already addressed by the rejection of claim 1 above, therefore the same rejection applies. Furthermore, Chancey discloses the structural elements of claims 11-15 that perform the recited functionality (C5 L43-46).

[Claims 16-31] (Cancelled)

Claim 32 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., US 5,842,185

("Chancey"), in view of Wood, US 7,050,997 ("Wood"), and further in view of Dilip et al., US

7,797,207 ("Dilip").

[Claim 32] (Previously presented) Chancey discloses a forward-looking method for managing

financial resources in an automated fashion for real-time categorical financial decision making

across a plurality of actual financial accounts comprising:

– allocating transactions to an account selected from the plurality of virtual accounts (C3 L46-51;

   C4 L1-5);

Chancey doesn't explicitly disclose:

– establishing a plurality of virtual financial accounts prior to the advent of any financial

   transactions overlaid upon at least one actual financial account using a processor device running

   computer language instructions stored on a computer readable medium;

– allocating a given amount of funding for each of the plurality of accounts using the

   processor device establishing fixed budgets for each of the virtual accounts;

– automatically debiting or crediting the allocated fund amount according to the transactions

   allocated to the particular account and from the actual financial account as the transactions are

   obtained by the gateway,

Wood, however, makes these teachings (C1 L54-67; C2 L2-5, 7-9; C3 L35-37; C5 L43-45; C7 L17-22,

L40-47; C8 L41-44, L53-67; C5 L9-14, L43-45; C8 L63-66; Fig. 7). It would have been obvious to one

of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the

disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, C4 L54-64).

Chancey doesn't further explicitly disclose:

— using communications gateway to access a plurality of financial institutions and to search on-line records of the plurality of financial institutions representing a plurality of actual accounts for purchases on credit card or other financial instruments;

These features are expressly disclosed by Dilip, however, in a related endeavor (C1 L54-59; C2 L4-12, L51-55; C3 L14-17; C4 L4-14, L25-35, L45-54, L58-61; C5 L20-25, 31-33, L38-41, L49-52, L56-67; C6 L1-7, L24-29; C7 L41-43; C8 L4, L11-12, L26-45; C9 L6-8; C10 L51-53, L56-58, L61-67; C11 L6-9, L67; C12 L1-2; C14 L47-51, L55-58; C15 L35-46, L49-51, L57-61; C16 L19-23, L41-43). Dilip discloses as his invention a method and apparatus for analyzing financial data. The invention relates to the analysis of financial data and, more particularly, to the analysis of multiple financial accounts and other market data to determine whether the allocation of assets and/or liabilities among multiple financial accounts is optimal. Dilip further discloses a financial management system automatically analyzing multiple user accounts, both asset accounts and debt accounts, in a proactive manner, on its own initiative, without any prompting from the user, wherein a client computer is capable of interacting with the financial management system via a communication link which in turn is coupled to a plurality of financial institution servers allowing the financial management system to retrieve account information from the financial institution servers, said account information pertaining to account activity history and account balance information. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Dilip as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records for budgeting purposes.

Claim 33 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., US.

5,842,185 ("Chancey"), in view of Wood, US 7,050,997 ("Wood"), in view of Dilip et al., US

7,797,207 ("Dilip"), and further in view of Goldsmith, US 6,064,990 ("Goldsmith").

[Claim 33] (Previously presented) Chancey discloses a forward-looking method for budgeting financial

resources in an automated fashion for real-time categorical financial decision making across a plurality

of actual financial accounts comprising:

–   allocating transactions to a virtual account corresponding to the type of transaction using the

        processor device (C3 L46-51; C4 L1-5);

Chancey doesn't explicitly disclose:

–   establishing a plurality of virtual financial accounts prior to the advent of any financial

        transactions overlaid upon an actual financial account using a processor device running computer

        language instructions stored on a computer readable medium establishing fixed budgets for each

        of the virtual financial accounts over a specified period of time;

–   allocating a given amount of budget for each of the plurality of accounts;

–   automatically debiting the virtual account according to the transaction amount immediately after

        the transaction has been allocated to a virtual account and crediting the virtual account when

        funds become available;

Wood, however, makes these teachings (C1 L54-67; C2 L2-5, 7-9; C3 L35-37; C5 L43-45; C7 L17-22,

L40-47; C8 L41-44, L53-67; C5 L9-14, L43-45; C8 L63-66; Fig. 7). It would have been obvious to one

of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the

disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for

comparing current financial data with projected financial data (Wood, C4 L54-64).

Chancey doesn't further explicitly disclose:

–   automatically periodically searching online financial records maintained by a plurality of financial

        institutions using an Internet-connected gateway for transactions made on a plurality of a user's

        credit cards;

These features are expressly disclosed by Dilip, however, in a related endeavor (C1 L54-59; C2 L4-12,

L51-55; C3 L14-17; C4 L4-14, L25-35, L45-54, L58-61; C5 L20-25, 31-33, L38-41, L49-52, L56-67;

C6 L1-7, L24-29; C7 L41-43; C8 L4, L11-12, L26-45; C9 L6-8; C10 L51-53, L56-58, L61-67; C11 L6-

9, L67; C12 L1-2; C14 L47-51, L55-58; C15 L35-46, L49-51, L57-61; C16 L19-23, L41-43). Dilip

discloses as his invention a method and apparatus for analyzing financial data. The invention relates to

the analysis of financial data and, more particularly, to the analysis of multiple financial accounts and

other market data to determine whether the allocation of assets and/or liabilities among multiple

financial accounts is optimal. Dilip further discloses a financial management system automatically

analyzing multiple user accounts, both asset accounts and debt accounts, in a proactive manner, on

its own initiative, without any prompting from the user, wherein a client computer is capable of

interacting with the financial management system via a communication link which in turn is coupled to

a plurality of financial institution servers allowing the financial management system to retrieve

account information from the financial institution servers, said account information pertaining to

account activity history and account balance information. It would have been obvious to one of

ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey

with the feature(s) of Dilip as discussed above for the motivation of automatically reconciling a user's

electronic bank or commercial transaction records for budgeting purposes.

Chancey doesn't further explicitly disclose:

    –   notifying the user of the transactions as record of the transactions are obtained from the financial

        institutions;

Goldsmith, however, makes this teaching (C1 L53-64; C4 L47-59). It would have been obvious to one

of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the

disclosures of Chancey as discussed above for the motivation of notifying a user of account activity

(Goldsmith, C1 L51-52).

    Claim 34 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., US 5,842,185

    ("Chancey"), in view of Wood, US 7,050,997 ("Wood"), in view of Dilip et al., US 7,797,207

    ("Dilip"), and further in view of Goldsmith, US 6,064,990 ("Goldsmith").

[Claim 34] (Previously presented) Chancey discloses a forward-looking method for budgeting financial

resources in an automated fashion to provide a running balance for real-time categorical financial

decision making across a plurality of actual financial accounts, the method comprising:

    –   establishing a plurality of virtual financial accounts corresponding to budgetary categories

        overlaid upon an actual financial account using a processor device running computer language

        instructions stored on a computer readable medium (C3 L25-43);

    –   allocating transactions to a virtual account corresponding to the type of transaction (C3 L46-51;

        C4 L1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor

   device prior to the advent of any financial transactions;

- establishing fixed budgets for each of the virtual accounts over a specified period of time;

- automatically debiting the virtual account according to the transaction amount immediately after

   the transaction has been allocated to a virtual account and crediting the virtual account when

   funds become available when a new budgetary period begins.

Wood, however, makes these teachings (C1 L54-67; C2 L2-5, 7-9; C3 L35-37; C5 L43-45; C7 L17-22, L40-47; C8 L41-44, L53-67; C5 L9-14, L43-45; C8 L63-66; Fig. 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, C4 L54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial

   institutions using an Internet-connected gateway for transactions made
   on a plurality of a user's credit cards; notifying the user of the transactions prior to the user

   making a purchasing decision.

These features are expressly disclosed by Dilip, however, in a related endeavor (C1 L54-59; C2 L4-12, L51-55; C3 L14-17; C4 L4-14, L25-35, L45-54, L58-61; C5 L20-25, 31-33, L38-41, L49-52, L56-67; C6 L1-7, L24-29; C7 L41-43; C8 L4, L11-12, L26-45; C9 L6-8; C10 L51-53, L56-58, L61-67; C11 L6-9, L67; C12 L1-2; C14 L47-51, L55-58; C15 L35-46, L49-51, L57-61; C16 L19-23, L41-43). Dilip discloses as his invention a method and apparatus for analyzing financial data. The invention relates to the analysis of financial data and, more particularly, to the analysis of multiple financial accounts and

other market data to determine whether the allocation of assets and/or liabilities among multiple financial accounts is optimal. Dilip further discloses a financial management system automatically analyzing multiple user accounts, both asset accounts and debt accounts, in a proactive manner, on its own initiative, without any prompting from the user, wherein a client computer is capable of interacting with the financial management system via a communication link which in turn is coupled to a plurality of financial institution servers allowing the financial management system to retrieve account information from the financial institution servers, said account information pertaining to account activity history and account balance information. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dilip with those of Chancey for the motivation of managing purchase limits using budgetary controls.

Chancey doesn't further explicitly disclose:

–   notifying a user over the Internet when a purchase on a credit card or other financial instrument
     has been made as records of the transactions are obtained by the gateway;

Goldsmith, however, makes this teaching (C1 L53-64; C4 L47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, C1 L51-52).

Conclusion

Claims 1, 11-15, 32-34 are rejected.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle, can be reached at 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clifford Madamba/
Patent Examiner AU-3695

/Harish T Dass/

Primary Examiner, Art Unit 3695